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ATTORNEY'S DOCKET NO. C01041.70002.US

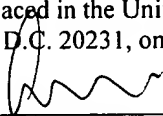
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wagner et al.
Serial No: 09/241,653
Conf. No.: 8996
Filed: February 2, 1999
For: METHODS FOR REGULATING HEMATOPOIESIS USING CPG
OLIGONUCLEOTIDES
Examiner: Jane Zara
Art Unit: 1635

#30/K.T.
2/21
ELECTION

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 5th day of February, 2003.


Alan W. Steele, Reg. No. 45,128

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Sir:

Transmitted herewith are the following documents:

- ☒ Response and Election
- ☒ Return Receipt Postcard

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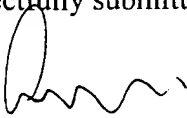
TECH CENTER 1600/2900

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No check is enclosed. If a fee is determined to be necessary, such fee may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:


Alan W. Steele, Reg. No. 45,128
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210
Telephone (617) 720-3500

Docket No. C01041.70002.US
Dated: February 5, 2003
XXD: February 24, 2003

- (A) The inventions must be independent or distinct as claimed, and
(B) There must be a serious burden on the examiner if restriction is required.

The two criteria, (A) and (B), are noted to be joined by "and". For the reasons above, Applicants respectfully submit that the criteria for restriction cannot be met because the second prong (B) of the criteria would appear not to apply. Without the required proper basis, the Restriction Requirement should be withdrawn.

It is believed that the claims are in condition for allowance. A favorable and early response is earnestly solicited. Should the Examiner have any questions, she is requested to call Applicants' representative at the number shown below.

Respectfully submitted,

By: 

Alan W. Steele, Reg. No. 45,128
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Docket No. C01041.70002.US
Dated: February 5, 2003
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